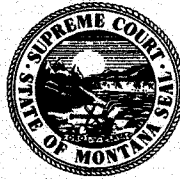


Exhibit No. 5Date 4-5-07Bill No. H33**The Supreme Court of Montana**
Office of Court Administrator

Lois Menzies
Court Administrator
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TO: Members of the House Appropriations
FROM: Lois Menzies, Court Administrator
DATE: April 5, 2007
SUBJECT: Judicial Branch Supplemental Appropriation Request

- The Judicial Branch is seeking a supplemental appropriation to cover variable costs for District Court operations for this fiscal year.
- Variable costs include such items as criminal and civil jury costs (juror fees, meals, mileage), transcripts fees, contracted court reporters fees, guardian ad litem fees, witness fees and travel. Until July 1, 2006, it also included indigent defense costs.
- Last fiscal year, Judicial Branch moved \$2.5 million forward from its FY 2007 appropriation to cover variable expenses in FY 2006. In FY 2006, actual expenditures for variable costs totaled approximately \$14.3 million. The attached spreadsheet breaks down these expenditures by expenditure type.
- The Judicial Branch is requesting \$2.5 million to backfill for amount that was moved forward to FY 2006 from its FY 2007 appropriation to meet its statutory obligations to pay for District Court variable expenses. Without this supplemental appropriation, the Branch will be forced to reduce personal services through staff layoffs, which will severely disrupt the ability of the courts to provide constitutionally mandated services to the people of Montana.
- The Branch estimates that approximately \$800,000 of the requested supplemental appropriation will be paid to the Department of Health and Human Services (DPHHS) for the cost of treatment for defendants who have been found unfit to proceed in criminal cases. Because the DPHHS is funded through the general fund to provide these services at Montana State Hospital, this \$800,000 will be returned to the general fund. *Therefore, the net impact on the general fund of Judicial Branch's supplemental request is estimated to be \$1.7 million* This session, the Judicial Branch has joined the DPHHS in supporting legislation (SB 124) to eliminate this general fund shuffle of money between agencies.

(Over, please)

Judicial Branch
FY06 Variable Cost Actual Expenses
Section 3-5-901, MCA

<u>Category of Expense</u>	<u>Total FY06 Actual Cost</u>
Criminal Jury Costs	\$288,928.58
Civil Jury Costs	\$133,299.02
CASA Abuse & Neglect Cases	\$116,000.00
District Court Travel	\$131,093.19
Court Reporting Contracts	\$145,534.54
Guardian Ad Litem	\$1,060,148.38
Court Ordered Evaluations	\$1,009,294.98
Transcripts	\$179,255.41
Witness Costs	\$376,104.26
Public Defender Office Costs	\$3,680,950.90
Public Defender Contracts	\$267,045.14
Public Defender Appointed	\$6,556,042.63
Private Investigators	\$426,624.81
Dissolution of Marriage Classes	\$2,290.89
 Total FY06 Variable Costs	 \$14,372,612.73
 FY06 Appropriation	 \$11,236,634.00
 Shortfall	 -\$3,135,978.73
Mitigation from other Judicial Branch Funds	\$636,300.00
Total Supplemental	-\$2,499,678.73